

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL KATZ-LACABE, et al.,
Plaintiffs,
v.
ORACLE AMERICA, INC.,
Defendant.

Case No. [22-cv-04792-RS](#)**ORDER DENYING PLAINTIFFS'
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

Plaintiffs filed an Administrative Motion to File Under Seal Portions of Plaintiffs' First Amended Class Action Complaint pursuant to Civil Local Rules 7-11 and 79-5 and in response to this Court's order on Plaintiffs' previous motion to seal. See Dkt. 68 ("9/15 Order"). This new motion essentially re-raises Plaintiffs' previously denied request to seal the vast majority of two exhibits—the Offline Access Request Response Reports (OARRRs) that Plaintiffs received from Defendant Oracle.¹ For the reasons set forth below, Plaintiffs' motion is denied. Plaintiffs' request for oral argument is also denied.

Plaintiffs were requested "to propose a far more limited set of redactions" to the OARRRs. 9/15 Order. Despite this request, Plaintiffs once again seek to redact both OARRRs (which span 49 and 32 pages, respectively) nearly entirely. This revised submission makes little effort to comply with this Court's previous order. Plaintiffs' sole concession to this Court's request was,

¹ Oracle, in a previous filing, did not object to these documents being filed under seal. *See* Dkt. 57, at 1 n.1.

1 apparently, to remove redactions from several column headers and footnotes. *See, e.g.*, Dkt. 72-1,
 2 at 3. Granted, Plaintiffs offer a more fulsome argument for why redactions of seemingly trivial
 3 pieces of information about an individual’s life might implicate privacy concerns and warrant
 4 protection. They explain how the OARRRs reveal information concerning Plaintiffs’ “financial
 5 accounts and transactional activity,” “interests, habits, and activities,” and other details. Dkt. 71, at
 6 5. That said, Plaintiffs’ privacy arguments do not explain why publication of certain “generalized
 7 categories or associations” appearing throughout the OARRRs would injure Plaintiffs. 9/15 Order,
 8 at 2.

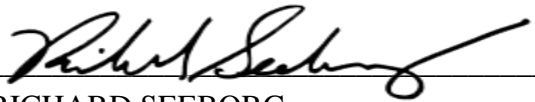
9 For instance, the OARRRs are replete with generic terms referring to the types of
 10 information Oracle produces about individuals. Plaintiffs do not explain how publication of these
 11 repetitive, generic terms—for instance, “Household” or “Ad Occurrence”—implicates a privacy
 12 concern unique to Plaintiffs (or to anyone). *See, e.g.*, Dkt. 71-2, at 3, 6. These generic terms do not
 13 reveal the “seemingly ordinary preferences” Plaintiffs argue implicate privacy concerns. Dkt. 71,
 14 at 4. Nor do they, contrary to Plaintiffs’ argument, reveal “personal interests, queries, and habits.”
 15 *Id.* at 3 (quoting *In re Facebook, Inc. Internet Tracking Litig.*, 956 F.3d 589, 604 (9th Cir. 2020)).
 16 Similarly, Plaintiffs offer no explanation for how the mere mention of the names of demographic
 17 categories—such as “Gender,” “Ethnicity,” or “Language Preference”—produces privacy
 18 concerns. *See, e.g.*, Dkt. 71-2, at 3. While the “Values” associated with those demographic
 19 categories or details may indeed constitute private information meriting protection, lists of
 20 category names indicative of the types of information Defendant collects but not of the
 21 information *actually collected* do not. Plaintiffs’ representation that they have “tailored the
 22 proposed redactions to seal only their personal information,” Dkt. 71, at 5, does not withstand
 23 scrutiny.

24 Accordingly, Plaintiffs’ motion to seal the OARRRs is denied. Plaintiffs are requested—
 25 once again—to propose a more limited set of redactions for information revealing private details
 26 of Plaintiffs’ lives. Plaintiffs have leave to refile their more limited set of redactions within two
 27 weeks of the date of this order. Otherwise, Plaintiffs are directed to refile their Complaint with
 28

redactions according to the terms specified in this Court's 9/15 Order.

IT IS SO ORDERED.

Dated: September 5, 2023


RICHARD SEEBORG
Chief United States District Judge

United States District Court
Northern District of California